

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chanan Berkovits	Team: Team # 4	CCRB Case #: 201004350	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 03/28/2010 9:50 PM	Location of Incident: § 87(2)(b)	Precinct: 41	18 Mo. SOL 9/28/2011	EO SOL 9/28/2011	
Date/Time CV Reported Tue, 03/30/2010 12:00 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 04/01/2010 4:19 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Michael Gibbs	04336	906330	041 PCT
2. POM Jose Torres	10511	946334	041 PCT
3. POM Wilfredo Carradero	08506	903567	041 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Jacqueli Tyson	01304	932051	041 PCT
2. POM Angel Figueroa	23800	923822	041 PCT
3. POM Gaetano Fundaro	20112	911668	041 PCT
4. POM Fernando Santos	11948	942515	041 PCT
5. SGT Edgar Padilla	02988	895127	041 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Michael Gibbs	Abuse: Sgt. Michael Gibbs stopped § 87(2)(b) § 87(2)(b)	§ 87(2)(b)
B.SGT Michael Gibbs	Force: Sgt. Michael Gibbs used physical force against § 87(2)(b) § 87(2)(b)	§ 87(2)(b)
C.SGT Michael Gibbs	Discourtesy: Sgt. Michael Gibbs spoke rudely to § 87(2)(b) § 87(2)(b).	§ 87(2)(b)
D.POM Wilfredo Carradero	Discourtesy: PO Wilfredo Carradero spoke rudely to § 87(2)(b) § 87(2)(b).	§ 87(2)(b)
E.POM Jose Torres	Discourtesy: PO Jose Torres spoke rudely to § 87(2)(b) § 87(2)(b).	§ 87(2)(b)

Case Summary

§ 87(2)(b) § 87(2)(b) § 87(2)(b) filed a complaint with Internal Affairs on March 30, 2010, generating log number 10-15555 (encl. 4) This complaint was received by the CCRB on April 1, 2010 (encl. 5A-5B)

On March 28, 2010, PO Fernando Santos arrested § 87(2)(b) § 87(2)(b)'s brother, § 87(2)(b) § 87(2)(b). The following allegations resulted:

- **Allegation A – Abuse of Authority:** Sgt. Michael Gibbs stopped § 87(2)(b) § 87(2)(b) § 87(2)(g) § 87(2)(g) § 87(2)(g).
- **Allegation B – Force:** Sgt. Michael Gibbs used physical force against § 87(2)(b) § 87(2)(b) § 87(2)(g) § 87(2)(g) § 87(2)(g).
- **Allegation C – Discourtesy:** Sgt. Michael Gibbs spoke rudely to § 87(2)(b) § 87(2)(b) § 87(2)(g) § 87(2)(g) § 87(2)(g).
- **Allegation D – Discourtesy:** PO Wilfredo Carradero spoke rudely to § 87(2)(b) § 87(2)(b).
- **Allegation E – Discourtesy:** PO Jose Torres spoke rudely to § 87(2)(b) § 87(2)(b) § 87(2)(g) § 87(2)(g) § 87(2)(g).

This case was submitted for review on December 7, 2010. It was returned to the investigator for further investigation on May 4, 2011.

Results of Investigation

Civilian Statements

Victim: § 87(2)(b)

- § 87(2)(b) *Hispanic male, height 5'8" tall, weight 140 pounds, brown hair, brown eyes.*

Statements to Medical Personnel

When being treated at the hospital (encl. 26A-26HH) § 87(2)(b) § 87(2)(b) complained of swelling loss of mobility and pain to his wrist resultant from being placed in handcuffs which were too tight. He also complained of pain to his left side sustained pursuant to police dropping him on the floor.

CCRB Testimony

§ 87(2)(b) § 87(2)(b) was interviewed at the CCRB on April 28, 2010 (encl. 8A-8G). § 87(2)(b) § 87(2)(b) viewed photos of potential subject officers at the § 87(2)(b) § 87(2)(b) on Rikers Island on June 29, 2011 (encl. 8H-8I). On March 28, 2010, at approximately 9:50 PM, § 87(2)(b) § 87(2)(b) was in his home located at § 87(2)(b) § 87(2)(b) in the Bronx. § 87(2)(b) § 87(2)(b)'s sister, § 87(2)(b) § 87(2)(b) was involved in a physical fight with her child's father, § 87(2)(b) § 87(2)(b). § 87(2)(b) § 87(2)(b)'s mother, § 87(2)(b) § 87(2)(b) called the police, and § 87(2)(b) § 87(2)(b) left the apartment. Approximately 5-10 minutes after § 87(2)(b) § 87(2)(b) exited the apartment, § 87(2)(b) § 87(2)(b) saw the police arrive and told § 87(2)(b) § 87(2)(b) to go downstairs and let them into the building.

§ 87(2)(b) went downstairs to the lobby of his building. Sgt. Michael Gibbs, PO Wilfredo Carradero, PO Gaetano Fundaro and PO Angel Figueroa were at the door. § 87(2)(b) opened the door for the officers told them that the individual for whom they were looking was getting away. As he spoke to the officers, § 87(2)(b) pointed to § 87(2)(b) who was on a nearby street corner walking away from the building. § 87(2)(b) was approximately 2-3 feet from Sgt. Gibbs and reaching toward him in order to point through the doorway at § 87(2)(b). Sgt. Gibbs pushed § 87(2)(b) in the chest with the palms of both his hands. As a result of being pushed, § 87(2)(b) moved approximately 4-5 feet backwards. Initially during his interview, § 87(2)(b) stated that Sgt. Gibbs asked him, “Where the fuck are you going?” Later in his interview, he stated that no officers used profanity towards him in the lobby. Sgt. Gibbs asked § 87(2)(b) “Where are you going? Where are you coming from?” § 87(2)(b) said that he was coming from § 87(2)(b) and he was trying to help the officers get the person who hit his sister. Sgt. Gibbs told § 87(2)(b) to put his hands against the wall, and § 87(2)(b) complied.

§ 87(2)(b) came downstairs, and began telling the officers that § 87(2)(b) was not the person for whom they were looking. The officers told § 87(2)(b) “Step back.” § 87(2)(b) approached § 87(2)(b) and Sgt. Gibbs. She continued to tell the officers that § 87(2)(b) was not the individual they wanted and to ask them what they were doing. § 87(2)(b) was approximately five feet from § 87(2)(b) and approximately ten feet from PO Carradero when Sgt. Gibbs told the other officers, “Get her.” Either PO Carradero or another officer whom § 87(2)(b) could not describe or identify approached § 87(2)(b) and pushed her with the palms of both hands. § 87(2)(b) did not know which officer pushed § 87(2)(b) nor did he know where on her body the officer pushed her. The officer pushed § 87(2)(b) more than three times. § 87(2)(b) began telling the officers, “My sister is pregnant. What are you doing?”

Initially during his interview, § 87(2)(b) stated that he tried to push back from the wall in order to see what was happening to his sister. He stated to the investigator, “...I did this,” and made a gesture to indicate that he reached his arm behind himself. Later in his interview, § 87(2)(b) stated that he never removed his hands from the wall, never pushed back from the wall, and never made any motions while telling the officers that his sister was pregnant. Sgt. Gibbs kicked § 87(2)(b)'s legs to one side causing him to fall. Sgt. Gibbs handcuffed § 87(2)(b). § 87(2)(b) complained that his arm hurt. Sgt. Gibbs replied, “Your arm hurts?” Sgt. Gibbs grabbed the chain connecting the handcuff bracelets and attempted to pull § 87(2)(b) off the ground. PO Carradero grabbed § 87(2)(b) by the shoulder of his sweater and lifted him to his feet. Sgt. Gibbs and PO Carradero placed § 87(2)(b) in patrol car.

Inside the car, PO Carradero sat in the driver's seat, and Sgt. Gibbs sat in the front passenger's seat. PO Carradero told § 87(2)(b) “You're a pussy for not helping your sister.” Sgt. Gibbs and PO Carradero brought § 87(2)(b) to the 41st precinct stationhouse and took him in front of the desk. More than 10 officers, including PO Jose Torres and Sgt. Edgar Padilla, were nearby while § 87(2)(b) was in front of the desk. While § 87(2)(b) was in front of the desk, PO Carradero called § 87(2)(b) a “pussy” more than five times.

§ 87(2)(b) was taken into the juvenile room. § 87(2)(b) sat on the bench, and his right arm was handcuffed to a bar attached to the right wall. Sgt. Gibbs and PO Torres entered. PO Torres dropped the handcuff keys and told § 87(2)(b) to move his feet so he could get them. § 87(2)(b) did not comply. PO Torres grabbed § 87(2)(b) by the collar, placed the tips of his index and middle fingers against § 87(2)(b)'s cheek and said, “Do you think I'm playing with you? Don't fuck with me. I'm not the person to fuck with.” § 87(2)(b) read PO Torres' shield number.

When shown a photo array of potential subject officers, § 87(2)(b) identified photo number three as the officer who brought him to the ground, handcuffed him, and lifted off the ground by his handcuffs. Photo number three was Sgt. Gibbs.

Subject Officer: PO WILFREDO CARRADERO

- § 87(2)(b) -old Hispanic male, height 6'0" tall, weight 240 pounds, salt and pepper hair, brown eyes
- Assigned as the sergeant's operator, worked in uniform from 3:00 p.m. to 11:35 p.m. with Sgt. Harrington, operating out of patrol car § 87(2)(e), § 87(2)(f).

Memo Book Entries

PO Carradero's memo book (encl. 15A-15B) records that he was operating out of vehicle § 87(2)(e), § 87(2)(f). PO Carradero's partner is not documented. There are no entries regarding this incident.

CCRB Testimony

PO Carradero was interviewed at the CCRB on December 1, 2010 (encl. 16A-16B). On March 28, 2010, PO Carradero worked with Sgt. Harrington, the patrol supervisor, for his entire tour. He did not recall switching partners or working with Sgt. Gibbs at any point on that day. He did not recall being present at § 87(2)(b) on that day. If there had been a request over the radio for an additional unit, he would have responded to that location, but he did not recall that happening.

At the time of his interview, PO Carradero was shown photos of § 87(2)(b), § 87(2)(b) and § 87(2)(b). The individuals in these photos were not familiar to him. Also at the time of his interview, PO Carradero was shown the SPRINT records pertaining to the incident and informed of the details of the incident. Neither those records nor those details were familiar to him.

Subject Officer: PO JOSE TORRES

- § 87(2)(b) -old Hispanic male, height 5'7" tall, weight 165 pounds, black hair, blue eyes
- Assigned to sectors G, H and J, worked in uniform from 3:00 p.m. to 11:35 p.m. with PO Santos, operating out of patrol car § 87(2)(e), § 87(2)(f).

Memo Book Entries

PO Torres' memo book (encl. 11A11-C) records that at 10:00 p.m. he responded to a report of an assault at § 87(2)(b). An individual was arrested by sector B.

CCRB Testimony

PO Torres was interviewed at the CCRB on November 16, 2010 (encl. 12A-12B). PO Torres did not recall this incident. At the time of his interview, PO Torres was shown photos of § 87(2)(b), § 87(2)(b) and § 87(2)(b), § 87(2)(b). The individuals in those photos were not familiar to him. Also at the time of his interview, PO Torres was shown the SPRINT records pertaining to this incident as well as informed of the details of the incident. Neither the records nor the details were familiar to him. He did not recall any other details of his tour from the day of the incident.

Witness Officer: PO FERNANDO SANTOS

- § 87(2)(b) -old Hispanic male, height 5'6" tall, weight 170 pounds, black hair, brown eyes
- Assigned to sectors G, H and J, worked in uniform from 3:00 p.m. to 11:35 p.m. with PO Reyes, operating out of patrol car § 87(2)(e), § 87(2)(f).

Memo Book Entries

While at the time of his interview, PO Santos stated that he was working with PO Reyes on the day of the incident, his memo book entries (encl. 9A-9D) record that he was working with PO Torres.

CCRB Testimony

PO Santos was interviewed at the CCRB on September 1, 2010 (encl. 10A-10B). On March 28, 2010, at approximately 9:59 p.m., PO Santos responded to a report of a domestic dispute at § 87(2)(b) in the Bronx. When PO Santos arrived at that location he saw officers leading § 87(2)(b) out of the lobby of the building in handcuffs. § 87(2)(b) did not appear to be injured, and he was walking out under his own power. PO Santos did not hear officers say to § 87(2)(b) “You’re a pussy for not helping your sister,” or “Where the fuck are you going?” PO Santos did not hear officer call § 87(2)(b) a “pussy” in any context. PO Santos was at the arrest location for approximately 1-2 minutes.

At approximately 10:30 p.m., he returned to the 41st Precinct stationhouse where he was assigned § 87(2)(b) s arrest. When PO Santos arrived at the stationhouse, § 87(2)(b) was already inside the juvenile room. PO Santos asked § 87(2)(b) for the information necessary to complete the arrest processing. PO Santos never heard officers say to § 87(2)(b) “Don’t fuck with me; I’m not the person to fuck with.” PO Santos did not see § 87(2)(b) interact with PO Jose Torres.

Witness Officer: PO GAETANO FUNDARO

- § 87(2)(b) -old white male, height 5’11” tall, weight 185 pounds, brown hair, brown eyes
- Assigned to sectors B and C, worked in uniform from 3:00 p.m. to 11:35 p.m. with PO Figueroa, operating out of patrol car § 87(2)(b)

Witness Officer: PO ANGEL FIGUEROA

- § 87(2)(b) -old Hispanic male, height 5’8” tall, weight 190 pounds, black hair, brown eyes
- Assigned to sectors B and C, worked in uniform from 3:00 p.m. to 11:35 p.m. with PO Fundaro, operating out of patrol car § 87(2)(b)

PO Fundaro and PO Figueroa were interviewed at the CCRB on November 12, 2010 (encl. 18A-18B, 20A-20B). On March 28, 2010, at approximately 9:55 p.m., PO Fundaro and PO Figueroa responded to a report of an assault at § 87(2)(b). They were backing up sector G. They had no further recollection of this incident. They did not interact with any civilians at the incident location. They did not see any officers make physical contact with any civilians. They did not hear officers use profanity towards civilians. They did not see § 87(2)(b) at the 41st Precinct stationhouse.

Witness Officer: SGT. EDGAR PADILLA

- § 87(2)(b) -old Hispanic male, height 6’0” tall, weight 196 pounds, black hair, brown eyes
- Assigned to 41st Precinct stationhouse desk, worked in uniform from 4:00 p.m. to 12:00 a.m.

Sgt. Padilla was interviewed at the CCRB on December 9, 2010 (encl. 21A-21B). Sgt. Padilla had no recollection of this incident. At the time of his interview, Sgt. Padilla was shown the command log entry pertaining to § 87(2)(b) s arrest. Sgt. Padilla acknowledged that he prepared the entry, but he did not recall any information regarding § 87(2)(b) or his arrest.

Witness Officer: PO JACQUELINE TYSON

- § 87(2)(b) -old black female, height 5'6'' tall, weight 170 pounds, brown hair, brown eyes
- On March 29, 2010, assigned to sectors A and D, worked in uniform from 11:15 p.m. to 7:50 a.m. with PO Estevez, operating out of patrol car § 87(2)(e), § 87(2)(f)

PO Tyson was interviewed at the CCRB on September 1, 2010 (encl. 25A-25B). On March 29, 2010, at approximately 12:18 a.m., PO Tyson and PO Estevez went to § 87(2)(b) and spoke with § 87(2)(b), § 87(2)(b). PO Tyson prepared a complaint report, an AIDED and a domestic incident report. PO Tyson was not present during § 87(2)(b), § 87(2)(b)'s arrest, and she did not see him at the 41st Precinct stationhouse.

Medical Records

Ambulance Call Report

The ACR prepared for § 87(2)(b), § 87(2)(b) (encl. 26E-26H) records that he complained of pain to his left wrist because handcuffs had hurt his wrist. There was no swelling and no redness. He had no other complaints of pain or illness.

§ 87(2)(b) **Records**

The medical records prepared for § 87(2)(b), § 87(2)(b) (encl. 26A-26HH) show that was diagnosed with a sprain of and strain to his elbow and forearm as well as a contusion to the wrist. He was prescribed Motrin and an Ace wrap.

Other Evidence

911 Call #1

§ 87(2)(b), § 87(2)(b) called 911 on March 28, 2010 (encl. 27) and reported that she needed police to respond to her home. He son's father just hit her and he hit her cousin. The 911 operator asked if there were any weapons, and § 87(2)(b), § 87(2)(b) replied, "I don't know what he has. He's picking up everything... knives from the house." § 87(2)(b), § 87(2)(b)'s son's father punched her in the mouth prior to her call, and she sustained a "busted" lip. She did not know if she needed EMS because she was nine weeks pregnant. § 87(2)(b), § 87(2)(b) did not provide a description of her attacker.

911 Call #2

§ 87(2)(b), § 87(2)(b) called 911 on March 28, 2010 (encl. 27) and stated that she had just requested that police respond to her. Her son's father came to drop off her son and began hitting her, her cousin, and "everybody." Her son's father punched her in the face, and she sustained a "busted" lip. § 87(2)(b), § 87(2)(b) did not know if she needed an ambulance. § 87(2)(b), § 87(2)(b) did not know if her attacker was still there because he had gone downstairs. § 87(2)(b), § 87(2)(b) saw that the police had arrived downstairs. § 87(2)(b), § 87(2)(b) did not provide a description of her attacker

911 Call #3

An unidentified female caller reported (encl. 27) that she was at § 87(2)(b) in the Bronx. She had just come upstairs and she saw an argument and blood on the floor in the

hallway. The caller was a neighbor of the people having the argument. People were downstairs screaming. The caller did not know if the husband hit a female or if she hit him. A knife was involved. One of the people involved was bleeding and the hallway was full of blood.

911 Call #4

§ 87(2)(b) § 87(2)(b) called 911 on March 28, 2010 (encl. 27) and stated that she had just called 911 but had been disconnected. She had called 911 an hour ago because her son's father hit her and her mother and her cousin. He pushed her son. The attacker punched her in the face, and she sustained a busted lip and a scratch on her face. The attacker hit her with a board. When the police arrived, the attacker ran downstairs. § 87(2)(b) § 87(2)(b) told § 87(2)(b) § 87(2)(b) to go downstairs and tell the officers that the attacker was also heading downstairs. The officers misunderstood and took § 87(2)(b) § 87(2)(b). The officers slammed § 87(2)(b) § 87(2)(b) on the floor and twisted his arm until he screamed. The officers did nothing about the attacker. The officers pushed § 87(2)(b) § 87(2)(b) to the wall. She repeatedly told them that she was nine weeks pregnant.

Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

- § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) have not filed a Notice of Claim with the City of New York as of December 7, 2010 with regard to the incident (encl. 31A).

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

■ [REDACTED]

■ [REDACTED]

Civilians CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) § 87(2)(b) (encl. 3A).
- § 87(2)(b) § 87(2)(b) has filed the following CCRB complaints (encl. 3B):

■ § 87(2)(b) [REDACTED]

Subject Officers CCRB History

- Sgt. Gibbs has been a member of the service for 17 years and there are 3 substantiated CCRB allegations against him. (encl. 2A-2C).
 - In case number 200203078, physical force, threat of arrest, and retaliatory summons allegations were substantiated against Sgt. Gibbs. Charges were recommended. Those charges were dismissed.
- PO Carradero has been a member of the service for 17 years and there are no substantiated CCRB allegations against him (encl. 2D).
- PO Torres has been a member of the service for 3 years and there are no substantiated CCRB allegations against him (encl. 2E).

Conclusion

Identification of Subject Officers

- Statements and police documents confirm that Sgt. Gibbs was present during the incident. § 87(2)(b), § 87(2)(g)
[REDACTED] When shown photos of potential subject officers, § 87(2)(b) identified Sgt. Gibbs as the officer who committed these allegations.
- § 87(2)(b) stated that the officer who allegedly called him “a pussy,” was driving the car in which the officer identified through investigation as Sgt. Gibbs was the passenger. Sgt. Gibbs identified his operator as PO Carradero, and his memo book confirmed this identification. § 87(2)(b), § 87(2)(g)
[REDACTED] While PO Carradero denied being present during this incident and stated that he was working with Sgt. Harrington rather than Sgt. Gibbs, his memo book states only that he was the sergeant’s operator. It does not specify with which sergeant he was working. Additionally, Sgt. Gibbs stated that he was operating out of vehicle number § 87(2)(b), § 87(2)(g) while PO Carradero stated the he was operating out of vehicle § 87(2)(b), § 87(2)(g). § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(b), § 87(2)(g) [REDACTED] At the time of his interview, § 87(2)(b) also identified PO Torres by shield number.

Investigative Findings and Recommendations

Allegations Not Pleaded

§ 87(2)(b) stated that when she was attempting to approach the officers who were arresting her brother, an officer held her by arms and moved her away until she was standing up against a wall. Later, another officer held her by the arms and moved her from side to side around the room. § 87(2)(b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

§ 87(2)(b) stated that PO Torres placed his index and middle fingers on the side of his face. PO Torres then slid his fingers across § 87(2)(b) s face. § 87(2)(b), § 87(2)(g)
[REDACTED]
[REDACTED]

Allegation A – Sgt. Michael Gibbs stopped § 87(2)(b) § 87(2)(b)

§ 87(2)(b) stated that when he came downstairs to inform the officers that § 87(2)(b) was leaving the incident location, and stated that he came from the apartment where there had been a stabbing reported, Sgt. Gibbs told him to stand up against a wall. According to Kamins, New York Search & Seizure p.2-46-2-47 (2011 ed.) (encl. 1A) an officer may stop an individual if has “a reasonable suspicion that the person is committing, has committed, or is about to commit a crime.” § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

§ 87(2)(g)

Allegation B – Sgt. Michael Gibbs used physical force against § 87(2)(b) § 87(2)(b)

§ 87(2)(b) § 87(2)(b) stated that Sgt. Gibbs, pushed him in the chest, knocked his legs out from under him causing his left side to strike the ground, and then pulled him up by his handcuffs causing pain to his arms. Patrol Guide procedure 203-11 (encl. 1B-1C) states the officers are required to “use minimum necessary force.”

§ 87(2)(b) § 87(2)(b) stated that, prior to when Sgt. Gibbs pushed him, he was approximately 2-3 feet away from the sergeant and reaching towards him. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) § 87(2)(b) stated that prior to when Sgt. Gibbs took him to the ground, § 87(2)(b) § 87(2)(b) had been standing up against a wall with his hands on it. He pushed off the wall and reached behind himself towards the officers. § 87(2)(b), § 87(2)(g)

Finally, § 87(2)(b) § 87(2)(b) stated that after he told Sgt. Gibbs that his arm hurt, Sgt. Gibbs replied, “Your arm hurts?” and attempted to pull him off the ground by the chain connecting the bracelets of his handcuffs. § 87(2)(b) § 87(2)(b) acknowledged that while Sgt. Gibbs held his handcuffs, another officer held his shoulder. § 87(2)(b) § 87(2)(b) did not tell medical personnel that he was lifted by his handcuffs, instead complaining they were too tight. § 87(2)(b) § 87(2)(b) stated that Sgt. Gibbs pulled § 87(2)(b) § 87(2)(b) s arms backward. § 87(2)(b), § 87(2)(g)

§ 87(2)(g)

Allegation C – Sgt. Michael Gibbs spoke rudely to § 87(2)(b)

Initially during his interview, § 87(2)(b) § 87(2)(b) stated that Sgt. Gibbs asked him, “Where the fuck are you going?” Later in his interview, he stated that Sgt. Gibbs asked him, “Where are you going? Where are you coming from?” He then denied that any officers used profanity towards him in the lobby. § 87(2)(b), § 87(2)(g)

Allegation D – PO Wilfredo Carradero spoke rudely to § 87(2)(b) § 87(2)(b)

Allegation E – PO Jose Torres spoke rudely to § 87(2)(b) § 87(2)(b)

§ 87(2)(b) § 87(2)(b) stated that PO Carradero repeatedly called him “a pussy” and that PO Torres told him, “Don’t fuck with me; I am not the person to fuck with.” PO Carradero and PO Torres did not recall using profanity towards § 87(2)(b) § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Team: 4

Investigator:	_____	Chanan Berkovits	June 29, 2011
	Signature	Print	Date
Supervisor:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date